

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 6, 1984

ALL COUNTY INFORMATION NOTICE I-31-84

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL PRESIDING OR SOLE JUVENILE COURT JUDGES
ALL LICENSED ADOPTION AGENCIES
ALL DSS DISTRICT ADOPTION OFFICES

SUBJECT: RELINQUISHED CHILDREN/300(e) HEARINGS

The Department has received several questions from counties concerning AFDC-FC eligibility of relinquished children who have been in placement eighteen months and the procedure for filing a 300(e) petition. The purpose of this ACIN is to clarify both the eligibility requirements and filing procedure for these children.

EAS 45-201.4 specifies that certain services must be provided for AFDC-FC eligibility. One of these is the permanency planning hearing which shall initially be conducted within eighteen months of the date of the child's placement into foster care (EAS 45-201.43). EAS 45-101.1(2) defines a permanency planning hearing, in part, as a hearing conducted by the juvenile court. The juvenile court cannot conduct this hearing unless it has jurisdiction over the child.

Therefore, if a child relinquished to a private adoption agency has been in placement for 18 months and no action has been taken to bring the child under the juvenile court's jurisdiction, the requirement of EAS 45-201.43 that a permanency planning hearing be conducted cannot be met and the child cannot be eligible for AFDC-FC.

In order to provide the juvenile court with jurisdiction over a relinquished child, the county welfare department (or probation department in a non-delegated county) must file a petition in the juvenile court requesting that the child be made a dependent under Welfare and Institutions Code (WIC) Section 300(e).


The adoption agency must request that the welfare department (or probation department) file this petition as described in WIC Sections 329 et seq. WIC Sections 325 and 329 do not permit the adoption agency to file such a petition, but instead require the CWD (or probation department) to file it. Section 300(e) enables a child who has been freed for adoption by one or both parents for twelve months and for whom no interlocutory or adoption petition has been granted to be declared a dependent of the court.

* For purposes of this letter, reference to relinquished children includes children whose parental rights have been terminated under Civil Code Section 232.

WIC Sections 356 and 358(a) require the county welfare department (or probation department) to provide the initial social study to establish the child's dependency. However, at the dispositional hearing, WIC Section 362 and/or 365 allows the court to order the adoption agency to submit subsequent periodic court reports. The county welfare department (or probation department) is responsible under WIC Section 366.2 for providing supplemental reports as defined in Section 366.1.

In this process the juvenile court has the authority to order that care, custody and control remain with the adoption agency which accepted the relinquishment or brought the Civil Code Section 232 action to terminate parental rights. The court may, however, order the transfer of care, custody and control to the county welfare department (or probation department). The agency designated responsible for placement and care of the child by the court must provide those services required for continued AFDC-FC eligibility required by EAS 45-201.4.

If you have additional questions, please contact the Foster Care Program Management Bureau at (916) 445-0813 (ATSS 485-0813).


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Deputy Director